

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:08-cr-00016-MR**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW JAMES DURY,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's "Motion for a Full Docket Sheet on This Case as Clerk of Court Refuses to Send Me the Document" [Doc. 197].

The Defendant moves the Court to order the Clerk of Court to send him a copy of the docket sheet, his Presentence Report, and all court transcripts. [Doc. 197].

Upon receiving the Defendant's motion, on February 22, 2021, the Clerk of Court mailed him a copy of the docket sheet. Accordingly, the Defendant's request for a copy of the docket sheet is moot.

As for the Defendant's request for a copy of his Presentence Report and court transcripts, the Defendant has failed to demonstrate a particularized need for copies of these materials. See United States v.

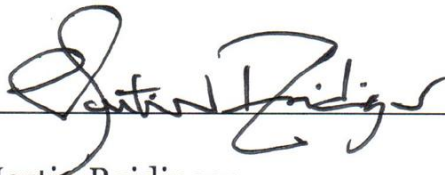
MacCollom, 426 U.S. 317, 326-27 (1976) (holding that federal inmates are not entitled to transcripts at Government expense absent some showing of a particularized need); Jones v. Superintendent, Va. State Farm, 460 F.2d 150, 152 (4th Cir. 1972) (“[A]n indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw.”) (citation omitted). There are no proceedings currently pending in this Court for which the Defendant would require a copy of his Presentence Report or court transcripts. Moreover, the Defendant’s request for such documents appears to be related to his frivolous argument—which this Court has already rejected on at least two other occasions [see Docs. 136, 171]—that he was kidnapped as an infant and brought to the United States illegally and thus is not actually a United States citizen. Even if such a fantastical argument were true, it would not void the Court’s jurisdiction over him in this criminal matter. See United States v. Masat, 948 F.2d 923, 934 (5th Cir. 1991) (rejecting defendant’s argument that court lacked subject matter jurisdiction and personal jurisdiction over him because he was a “non-citizen”).

For all these reasons, the Defendant’s motion is denied.

IT IS, THEREFORE, ORDERED that the Defendant's motion [Doc. 197] is **DENIED**.

IT IS SO ORDERED.

Signed: March 13, 2021



Martin Reidinger
Chief United States District Judge

